

तबनुसार हम खर्च का कोई आदेश किए बिना यह पिटोशन खारिज करते हैं।

ह०/-

(आर० एस० सरकारिया) न्या०

ह०/-

(एल० एल० ऊंटवालिया) न्या०

ह०/-

(जसवंत सिंह) न्या०

ह०/-

(पी० एस० कैलासम) न्या०

ह०/-

(वी० डी० तुलजापुरकर) न्या०

नई दिल्ली, 9 मार्च, 1978.

[सं० एफ 23(4)/78—वि० II]

ई० वेकटेश्वरन, संयुक्त सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the May 6, 1978

S.O. 307(E).—In pursuance of section 20 of the Presidential and Vice-Presidential Election Act, 1952 (31 of 1952), the Central Government hereby publishes the Order made on the 9th March, 1978, by the Supreme Court of India, in Election Petition No. 2 of 1977.

"IN THE SUPREME COURT OF INDIA ORIGINAL JURISDICTION

ELECTION PETITION NO. 2 OF 1977

Madan Lal 'Dhartipakar'Petitioner.

Versus

Shri Neelam Sanjeeva Reddy & 11 Ors Respondents.

JUDGMENT

SARKARIA, J.

This is a petition filed by Shri Madan Lal 'Dhartipakar' on August 19, 1977 under the Presidential and Vice-Presidential Election Act, challenging the election of Shri Neelam Sanjeeva Reddy as President of India at the Presidential Election held on July 19, 1977.

The petitioner filed a nomination paper on July 5, 1977 but that nomination paper was rejected by the Returning Officer because—as he admits—it was not subscribed by any elector as proposer or as seconder.

He had thus admittedly not complied with the requirements of Section 5B(1) of the Act. The petitioner has, however, detailed reasons why he could not find any elector to propose or second his nomination papers.

When the case came up before us today, the petitioner requested that the hearing of the petition be postponed till after the coming summer vacation. We explained to him that we did not see any sufficient reason to accede to his request. The adjournment was declined.

The petitioner then argued at length urging that the petition should be referred to a larger Bench for decision. We have fully heard and considered all that he had to say in this connection, and we are not persuaded to accede to his request.

Since there was no compliance with the requirements of Section 5B(1) of the Act (No. 31 of 1952), the petitioner was not a duly nominated 'candidate' within the meaning of Section 13(i) of the Presidential and Vice-Presidential Elections (Amendment) Act, 1977. And, as such, has no locus standi to maintain this petition (vide Election Petition No. 1 of 1974).

Accordingly we dismiss the petition, but without any order as to costs.

Sd/-

(R. S. SARKARIA) J.

Sd/-

(N. L. UNTWALIA) J.

Sd/-

(JASWANT SINGH) J.

Sd/-

(P. S. KAILASAM) J.

Sd/-

(V. D. TULZAPURKAR) J.

New Delhi.

March 9, 1978.

[No. F. 23(4)/78-Leg. II]

E. VENKATESWARAN, Jt. Secy."